

1 THE HONORABLE JOHN C. COUGHENOUR

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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 MICHAEL FRANCIS MOYNIHAN, JR.,

CASE NO. C11-1836-JCC

10 Plaintiff,

ORDER

11 v.

12 KEEFE COMMISSARY NETWORK,

13 Defendant.
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15 The Court, having reviewed the Report and Recommendation of United States Magistrate
16 Judge Mary Alice Theiler, the governing law, and the balance of the record, orders as follows:

17 (1) The Report and Recommendation is ADOPTED;

18 (2) This matter is DISMISSED without prejudice as duplicative of *Moynihan v. Keefe*
19 *Commissary Network*, C11-1830-JCC-MAT (W.D. Wash., November 1, 2011);

20 (3) The Clerk of Court is directed to send copies of this Order to petitioner and to
21 Magistrate Judge Mary Alice Theiler.

22 DATED this 1st day of March 2012.

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26 John C. Coughenour
UNITED STATES DISTRICT JUDGE